



Office of the Attorney General
State of Texas

February 5, 1992

DAN MORALES
ATTORNEY GENERAL

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P. O. Box 469002
Garland, Texas 75046-9002

OR92-49

Dear Mr. Dempsey:

You ask whether certain information requested by Stephen Niermann is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13923. Your request for an open records decision was supplemented by your letter of January 24, 1991, advising of anticipated litigation regarding the subject matter of the requested information.

As it now appears that litigation is reasonably anticipated with respect to the subject matter of the requested information, the information may be withheld under section 3(a)(3) of the Open Records Act. *See* Open Record Decision No. 551 (1990) (section 3(a)(3) excepts information from required public disclosure under the Open Records Act when such information is more appropriately sought through discovery.)

We are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-49.

Yours truly,

A handwritten signature in black ink, appearing to read "John Steiner", is written over a horizontal line. The signature is fluid and cursive.

John Steiner
Assistant Attorney General
Opinion Committee

JS/lb

Ref.: ID# 13923

Enclosure: Open Records Decision No. 551

cc: Stephen Niermann
Attorney and Counselor
4455 LBJ Freeway, LB-29
808 Texas Credit Union Center
Dallas, Texas 75244